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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,118	11/13/2001	Takahiko Nomura	111094	6341
25944	7590	02/28/2006	EXAMINER	
OLIFF & BERRIDGE, PLC			GODDARD, BRIAN D	
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ALEXANDRIA, VA 22320			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/987,118	NOMURA ET AL.	
	Examiner	Art Unit	
	Brian Goddard	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 November 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 35-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 35-52 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 November 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 30 November 2005 has been entered.
2. Claims 35-52 are pending in this application. Claims 35, 45 and 49 are independent claims. In the Amendment filed with the RCE of 30 November 2005, claims 1, 3 and 5-34 were cancelled and claims 35-52 were added. This action is non-final.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 35-37, 39-40, 45-47 and 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0065709 to MacKenzie in view of U.S. Patent No. 6,029,195 to Herz.

Referring to claim 35, MacKenzie discloses a knowledge-based management diagnosis device substantially as claimed. See Figures 1-6 and the corresponding

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portions of MacKenzie's specification for this disclosure. MacKenzie teaches a knowledge-based management diagnosis system, [See Fig. 1] comprising:

n accumulation unit that accumulates [See 105, 110, 115, 205-215] awareness data [survey instruments] of a plurality of users [employees/respondents]; and
an analysis unit that analyzes [120-130] the awareness data accumulated by the accumulation unit.

MacKenzie does not explicitly disclose a generating unit that generates a community based on the analyzed awareness data as claimed.

Herz discloses a knowledge-based system similar to that of MacKenzie, comprising:

an accumulation unit that accumulates awareness data of a plurality of users [Herz: user profiling];

an analysis unit that analyzes the awareness data accumulated by the accumulation unit [Herz: profile clustering (See Column 80, line 1 – Column 90, line 64)]; and

a generation unit that generates a community based on the analyzed awareness data [Herz: Virtual Community Service (See Column 80, line 1 – Column 90, line 64)].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Herz's Virtual Community Service functionality to the knowledge-based management diagnosis device of MacKenzie to obtain the invention as claimed. One would have been motivated to do so because of the direct suggestion of Herz (See Col. 80, lines 57-60) to apply the community service within an office

setting, and to further enhance MacKenzie's goal of utilizing workplace knowledge.

Furthermore, MacKenzie is suggestive of community-based analysis in the disclosure of 'splits' (See ¶ 0039 & Step 215).

Referring to claim 36, the system/method of MacKenzie in view of Herz as applied to claim 35 above (hereafter 'MacKenzie/Herz') discloses the knowledge-based management diagnosis device as claimed. MacKenzie/Herz teaches the device according to claim 35, as above, wherein the community represents a place for information circulation or an information community itself [Herz: Virtual Community Service (See Column 80, line 1 – Column 90, line 64)] as claimed.

Referring to claim 37, MacKenzie/Herz teaches the device of claim 35, as above, wherein the community is generated automatically based on users who are interested in particular knowledge...[Herz: Virtual Community Service (See Column 80, line 1 – Column 90, line 64)] as claimed.

Referring to claim 39, MacKenzie/Herz teaches the device of claim 35, as above, wherein the analysis unit analyzes the awareness data by selecting two axes [MacKenzie: knobless items and knobby items; Herz: profile clustering], generating a question list to classify the users based on the two axes [MacKenzie: survey; Herz: profile clustering], and collecting answers [MacKenzie: See Fig. 1], wherein each of the axes has different information [MacKenzie: See knobless items v. knobby items] as claimed.

Referring to claim 40, MacKenzie/Herz teaches the device of claim 35, as above, wherein the analysis unit analyzes the awareness data by dividing based on distribution

of the awareness data accumulated by the users and classifies the users [Herz: profile clustering and community generation (See Column 80, line 1 – Column 90, line 64)] as claimed.

Claims 45-47 are rejected on substantially the same basis as claims 35-37 respectively. See the discussions regarding claims 35-37 above for the details of this disclosure. Note that the combined ‘device’ of MacKenzie/Herz applied to claim 35 implements the method as claimed.

Claims 49-51 are rejected on substantially the same basis as claims 35-37 respectively. See the discussions regarding claims 35-37 above for the details of this disclosure. Note that the combined device/method of MacKenzie/Herz applied to claims 35 & 45 above can be implemented as a program of instructions executable by a computer stored on a storage medium readable by the computer as claimed.

4. Claims 38, 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacKenzie in view of Herz as applied to claim 35 above, and further in view of U.S. Patent No. 6,606,615 to Jennings et al.

Referring to claims 38, 41 and 42, MacKenzie/Herz teaches the device of claim 35, as above, wherein the analysis unit analyzes the awareness data based on a characteristic of individual working manner of the user, and a characteristic of working manner in an organization; analyzes the awareness data based on first awareness data and second awareness data inputted by the users; and wherein the awareness data has contribution information that shows present contribution of the user to an organization

[MacKenzie: See listed examples of questions on EOS and analysis thereof] as claimed.

MacKenzie/Herz does not explicitly disclose a characteristic expressive of a source of present and future profit, second awareness data being important for the organization in the future, and contribution of the user in the future as claimed. However, MacKenzie does state that the Employee Opinion Survey (EOS) includes items corresponding to the work environment for each employee and could also include items (indicating ‘knowledge assets’) about, “the management, **the future**, leadership...” (emphasis added) in ¶ 0141. This provides direct suggestion for including an indication how the knowledge assets will change from present to a future time.

Jennings discloses a survey system/method similar to that of MacKenzie, wherein the survey is directed to temporal knowledge assets [‘values’ of various assets which change over time] indicating how the knowledge assets will change from present to a future time [forecasted/predicted] as claimed. See the Abstract, Summary, and Detailed Description portions of the specification for this disclosure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Jennings’ survey methods towards temporal knowledge assets into the system and method of MacKenzie/Herz, such that employees could indicate predictions for how the knowledge assets will change from present to a future time in the combined survey system, to obtain the invention as claimed. One would have been motivated to do so because of the suggestions of MacKenzie as

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described above; and further to allow those surveyed to forecast/predict the disposition of the temporal knowledge assets for further analysis (as described by Jennings).

5. Claims 43-44, 48 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacKenzie in view of Herz as applied to claim 35 above, and further in view of Jennings and U.S. Patent No. 6,070,143 to Barney et al.

Referring to claim 43, MacKenzie/Herz teaches the device of claim 35, as above, wherein the awareness data has knowledge assets [MacKenzie: knobless items] and feature assets [MacKenzie: knobby items] as claimed.

MacKenzie/Herz does not explicitly state that the feature assets relate to work styles of the users or that the [temporal] knowledge assets indicate how the knowledge assets will change from present to a future time as claimed. However, MacKenzie does state that the Employee Opinion Survey (EOS) includes items corresponding to the work environment for each employee and could also include items (indicating ‘knowledge assets’) about, “the management, **the future**, leadership...” (emphasis added) in ¶ 0141. This provides direct suggestion for including an indication of work styles for each subject and how the knowledge assets will change from present to a future time.

Barney discloses a survey system/method similar to that of MacKenzie, wherein the survey is directed to feature assets relating to work styles of each subject as claimed. See Column 3, lines 51-58 and all references to Worker-Oriented Database 140 and Work Context Database 150 for this disclosure. Barney’s disclosed purpose

for including work styles as a survey instrument is to more accurately match employees with available work products to improve the organization as a whole.

Jennings also discloses a survey system/method similar to that of MacKenzie, wherein the survey is directed to temporal knowledge assets ['values' of various assets which change over time] indicating how the knowledge assets will change from present to a future time [forecasted/predicted] as claimed. See the Abstract, Summary, and Detailed Description portions of the specification for this disclosure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Barney's survey instruments indicating work styles of each subject, and Jennings' survey methods towards temporal knowledge assets into the system and method of MacKenzie/Herz, such that employees could indicate work style preferences and predictions for how the knowledge assets will change from present to a future time in the combined survey system, to obtain the invention as claimed. One would have been motivated to do so because of the suggestions of MacKenzie as described above; to more accurately match employees with available work products to improve the organization as a whole (as disclosed by Barney); and further to allow those surveyed to forecast/predict the disposition of the temporal knowledge assets for further analysis (as described by Jennings).

Referring to claim 44, MacKenzie/Herz/Jennings/Barney teaches the device of claim 43, as above, wherein the work styles are analyzed by an autonomy range and an interaction range [MacKenzie: rank, unit; Herz: profile clustering; Barney: See 140 & 150], the autonomy range extends between routine to creative work, and the interaction

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range extends between inside office and outside office personal information [Barney:

See 140 & 150; Herz: See Virtual Community Service (Column 80, line 1 – Column 90, line 64)] as claimed.

Claim 48 is rejected on the same basis as claim 43, in light of the basis for claim 45. See the discussions regarding claims 35, 43 and 45 above for the details of this disclosure.

Claim 52 is rejected on the same basis as claim 43, in light of the basis for claim 49. See the discussions regarding claims 35, 43 and 49 above for the details of this disclosure.

Response to Arguments

6. Applicant's arguments with respect to claims 35-52 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Specifically, the cited references not relied upon are considered pertinent to generation of a community of users based on accumulated awareness data.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Goddard whose telephone number is 571-272-4020. The examiner can normally be reached on M-F, 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bdg
21 February 2006



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